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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/023,172	02/13/1998	THOMAS J. HOLMAN	042390.P5659	6584

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EXAMINER

VERBRUGGE, KEVIN

ART UNIT	PAPER NUMBER
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2188

DATE MAILED: 09/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Advisory Action</b>	<b>Application No.</b> 09/023,172	<b>Applicant(s)</b> HOLMAN, THOMAS J.	
	<b>Examiner</b> Kevin Verbrugge	<b>Art Unit</b> 2188	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 04 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. **ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).**

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☒ they raise the issue of new matter (see Note below);
  - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 15-31.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☐ Other: \_\_\_\_\_

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Kevin Verbrugge  
Primary Examiner  
Art Unit: 2188

Continuation of 2. NOTE: The proposed amendment raises new issues that would require further consideration and search. Specifically, the amendment to claim 15 regarding memory devices having different electrical requirements has not been considered or searched.

Furthermore, it is not clear that this amended material has support in the specification, and if not, it would be new matter. The only related passage the Examiner was able to locate in the spec indicated that the memory devices might be operated at a voltage other than that of other components in the system. This hardly supports the proposed amendment which requires "a plurality of memory devices having a plurality of different electrical requirements". Applicant is required to point out supporting passages in the specification, if they exist.

The proposed amendments additionally raise 35 USC 112 2nd paragraph issues since it is not at all clear what is intended by "plurality of different electrical requirements". Do the individual memory devices on a single memory module have different electrical requirements from each other? from other components in the system? from other memory devices on other memory modules? And what are these electrical requirements? How are they "different"? Applicant is required to particularly point out and distinctly claim his invention. On the contrary, this new limitation adds significant uncertainty to the claims. And while Applicant mentions that the size variations of the memory devices suggested by the applied reference would not anticipate the limitation of different electrical requirements, certainly it is true that different size memory devices require different electrical signals since at a minimum, the number of electrical signals required must change for different size devices. Having a different number of electrical signals would anticipate having "different electrical requirements".

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